
OLR Bill Analysis

sHB 5554

AN ACT CONCERNING THE DUTIES OF STATE MARSHALS.

SUMMARY:

This bill authorizes state marshals to access and use the Connecticut on-line law enforcement communications teleprocessing (COLLECT) system, without charge. The COLLECT system is used by law enforcement and criminal justice agencies, free of charge, to access online state and federal law enforcement resources. It contains data on wanted persons, criminal history records, protective orders, drivers' licenses, and motor vehicle records, among other records.

The bill also makes it a crime for anyone to pretend to be a state marshal to (1) obtain a benefit or (2) induce another person to submit to a state marshal's authority or act in reliance on the pretense. The bill classifies this as a class A misdemeanor, punishable by up to one year imprisonment, a fine up to \$2,000, or both.

The bill makes it a class A misdemeanor for an "indifferent person" to serve process knowing that he or she is not authorized to do so. An "indifferent person" is someone who is not a proper officer and who is not involved in the case (see BACKGROUND). Service of process is the procedure by which a party to a lawsuit gives an appropriate notice of initial legal action to another party.

EFFECTIVE DATE: October 1, 2014

BACKGROUND

Service of Process by an Indifferent Person

By law, only authorized persons are allowed to serve process. Authorized persons include (1) proper officers, such as state marshals and constables, and (2) under limited circumstances, an "indifferent person." An indifferent person may serve process if (1) it involves

multiple defendants who live in different counties in the state or (2) in the case of a writ of attachment (i.e., an order to seize or attach property), one of the plaintiffs, or his or her agent or attorney, makes a sworn statement before the authority signing the order stating that the plaintiff is in danger of losing the debt or demand unless an indifferent person is authorized to serve process immediately.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (03/28/2014)